

PD-0347-15

MICHAEL WAYNE BOHANNAN

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IN THE TEXAS COURT OF
CRIMINAL APPEALS
FILED
COURT OF CRIMINAL APPEALS
2/7/2017
ABEL ACOSTA, CLERK

VS.

STATE OF TEXAS

MOTION TO EXTEND TIME
TO FILE BRIEF

TO THE HONORABLE JUSTICES OF SAID COURT:

Now comes MICHAEL WAYNE BOHANNAN, Appellant in the above styled and numbered cause, and moves this Court to grant an extension of time to file appellant's Brief and for good cause shows the following:

1. This case is on appeal from the Ninth District Court of Appeals in Beaumont, styled *MICHAEL WAYNE BOHANNAN vs. STATE OF TEXAS* and was given Appellate no. 09-13-00090-CR.
2. The Court of Appeals' judgment was signed October 29, 2014
3. Motions for Rehearing were filed on December 18 and 29, 2014.
The Motions were overruled on January 8, 2015
4. A Motion for En Banc Reconsideration was filed on February 3, 2015; and was overruled on February 20, 2015.

5. Petition for Discretionary Review was granted on November 3, 2016.
6. Appellant requests an extension of time at least 45.
7. Appellant has not requested any prior extensions regarding the deadline for the brief. The Brief was due January 30, 2017.
8. Appellant relies on the following facts as good cause for the requested extension:

Counsel was unaware of the deadline to file Appellant's Brief, he received no written notice of the deadline until after the fact on Friday, February 3, 2017 at 6:03pm. In the past, Counsel has always received written notice by email or mail of all deadlines. Counsel was first made aware by court staff this morning that the deadline was posted on the Court's website. Counsel had monitored the website listing since his appointment, but apparently did not see the brief deadline post. He was made aware by Court staff that the brief deadline was posted on the website in mid January 2017. Counsel apologizes to the Court.

Moreover, Counsel needs additional time to compete Appellant's Brief because he was not the trial or appellate lawyer defending Appellant. He will need to review , from the beginning, the record, briefs, and opinions from both

the 9th Court of Appeals and the Texas Supreme Court in No 10-0605

In addition, Counsel is a solo practitioner and has been involved in or prepared for the following criminal trials, appeals or motions:

(A) *Ex Parte Mike Angel Ulloa*, Court of Criminal Appeals, PD 0658-16.

(B) *Thomas Lee Jalufka v. State*, Appeal, with the 9th Court of Appeals, Case Number 09-16-00221-CR, 09-16-00222-CR, 09-16-00223-CR, Trial Court Case 14-12-13034-CR.

(C) *David Richard Smothers*, with the 9th Court of Appeals, Case Number 09-16-00332-CR, Trial Court Case 12-04-03934-CR.

(D) *Jamey Ehron Black v State of Texas*, Appeal with the 9th Court of Appeals, Case Number 09-16-00438-CR, Trial Court Case 16-08-08858-CR.

(E) *Raymond Lindsey, Jr. v. State*, Appeal with the 9th Court of Appeals, Case Appellate No 09-16-00327-CR and 09-16-00328 Trial Court No. 15-11-12545-CR Count 1 and 2.

(F) *Re: Kathryn Ann Aldridge, Karen Lynn Smith, PhD, William Glenn Smith, Independent Executor of the Estate of Juanita M. Brownlee, Deceased VS. Memorial Hermann Hospital System, Doing Business As Memorial Hermann The Woodlands Hospital, Regent*

*Care Center of the Woodlands, Limited Partnership, Regent
Management Services, Limited Partnership, Texas Health
Development III, Limited, 284th District Court,*

Case No. 15-03-02536

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Court grant this Motion to Extend Time to File Petitioner's Brief, and for such other and further relief as the Court may deem appropriate for at least 45 days.

Respectfully submitted

/s/ Richard Martin P. Canlas
RICHARD MARTIN P. CANLAS

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Certificate of Service

I certify that a true and correct copy of this motion was:

- (a) faxed to 936.760.6940 or emailed to bill.delmore@mctx.org for Bill Delmore, Montgomery County District Attorney's Office, on February 6, 2017
- (b) faxed to 512.463.5724 or emailed to information@spa.texas.gov for Lisa C. McMinn, State Prosecuting Attorney, on February 6, 2017

/s/ Richard Martin P. Canlas
Richard Martin P. Canlas